



4-8 POLICY ON FAMILY AND MEDICAL LEAVE ACT

Employees that have been employed by the Park District for at least 12 months and have worked at least 1250 to qualify for leave under FMLA and may take up to a maximum of 12 calendar weeks of leave over a rolling 12-month period measured retroactively from the last day of leave for the following reasons. Where both spouses are employed by SYCAMORE PARK DISTRICT, their combined leave under this policy is 12 weeks over the 12 months where the leave involves the birth or adoption of a child or the care for a seriously ill parent.

- The birth and care of a newborn
- The placement of a child in the employee's home for either adoption or foster care;
- To care for the employee's parent, spouse, or child (but not in-law) with a serious health condition which renders the employee unable to perform the functions of the employee's job.
- The employee's own serious health condition which renders the employee unable to perform the functions of the employee's job.

For purposes of this policy, "serious health condition" means an injury, illness, impairment, or physical or mental condition that involves one of the following:

Hospital Care: Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity relating to the same condition.

Absence plus treatment: A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves either: (1) treatment two or three times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or (2) treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the health care provider.

Pregnancy: Any period of incapacity due to pregnancy or for prenatal care.

Chronic Conditions Requiring Treatment: A chronic condition that: requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; continues over an extended period; and may cause episodic rather than a continuing period of incapacity.

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Permanent/Long-Term Conditions Requiring Supervision: A period of incapacity that is permanent or long-term due to a condition for which treatment may be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

Multiple Treatments (non-chronic conditions): Any period of absence to receive multiple treatment (including any period of recovery there from) by a healthcare provider or by a provider of health care services under orders of, or in referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

Where such leave is foreseeable, at least (30) days written notice must be given to the employee's Department Head and Executive Director prior to the start of leave. In cases of an emergency, notice should be given as soon as is practical (usually within one or two business days). A delay in submitting this request may result in a delay of the start of the leave.

The request must specify, in detail, the reasons for requesting the leave and the length of time the employee intends to be away. In cases where employee requests leave for the employee's own serious health condition or to care for a seriously ill family member, SYCAMORE PARK DISTRICT may require medical certification from a health care provider to support the request.

If SYCAMORE PARK DISTRICT has reason to doubt the employee's initial certification, SYCAMORE PARK DISTRICT may: (1) with the employee's permission, have a designated health care provider contact the employee's health care provider to clarify or authenticate the initial certification; and/or (2) require the employee to obtain a second opinion by an independent SYCAMORE PARK DISTRICT designated provider at SYCAMORE PARK DISTRICT's expense. If the initial and second certifications differ, the District may, at its expense, require the employee to obtain a third, final and binding certification from a jointly selected health care provider.

During FMLA leave, the District may request the employee provide recertification of a serious health condition at intervals in accordance with the FMLA. In addition, during the FMLA leave, the employee must provide the District with periodic reports regarding the employee's status and intent to return to work. If the employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the District with reasonable notice (i.e., within 2 business days) of the employee's changed circumstances and new return to work date. If the employee gives the District notice of the employee's intent not to return to work, the employee will be considered to have voluntarily resigned.



A request for a leave of absence must be approved by the employee's Department Head and the Executive Director. An approved medical leave of absence will be considered FMLA if it qualifies as such under the FMLA regulations promulgated by the U.S. Department of Labor. If an employee's request does not meet the requirements for FMLA leave of absence, the employee may apply for a personal leave of absence.

The SYCAMORE PARK DISTRICT requires you to substitute any accrued sick, vacation or personal leave for unpaid leave under this policy, and any such paid time off must be taken at the same time as your Family and Medical Leave. All time missed from work that qualifies for both Family Medical Leave and for worker's compensation will be counted toward your twelve weeks of Family and Medical Leave and any other leave. If you qualify for both Family and Medical Leave and any other leaves, Family and Medical Leave must be taken first.

Family medical leave taken to care for a newborn or for a newly placed child must conclude within 12 months after the birth or placement of the child and may not be taken intermittently or on a leave schedule that reduces the numbers of hours per week or day worked ("Reduced Leave Schedule") unless agreed to by the employee and the Executive Director. However, leave may be taken on a Reduced Leave Schedule for the employee's own serious health condition or to care for a spouse, child, or parent with a serious condition. If a request is made for a Reduced Leave Schedule for foreseeable medical treatment, every reasonable effort must be made to schedule planned medical treatment on off-duty hours. If necessary, SYCAMORE PARK DISTRICT reserves the right to temporarily transfer the employee to an available position for which the employee is qualified.

While a full-time employee is on FMLA leave, the District will maintain the employee's group health insurance coverage under the same conditions that the employee had at the start of FMLA leave for a period not to exceed the FMLA 12-week period. The employee will be responsible for any premium contribution and/or payment to other employee elected benefit programs.

To the extent that an employee's FMLA leave is paid, the employee's portion of health insurance premiums will be deducted from the employee's salary. For the portion of FMLA leave that is unpaid, the employee's portion of health insurance premiums may be paid pursuant to a system voluntarily agreed to by SYCAMORE PARK DISTRICT and the employee. Other benefits, if any, such as vacation, or personal leave, shall not accrue while an employee is on unpaid FMLA leave. Employees on FMLA leave, however, will not forfeit any benefits that accrued prior to the start of FMLA leave by virtue of taking FMLA leave.



The employee will not earn IMRF pension service credit for the month(s) in which the employee is not paid. To receive IMRF pension service credit, the employee must apply and pay for an IMRF Benefit Protection Leave. If the employee returns to work following family leave as scheduled, the District will return the employee to the position previously held or an equivalent position. However, the employee will not be restored to a previous position or an equivalent position if that employee would have been laid off had the leave not been taken.

An employee who fails to return to the available position on the first day after the leave of absence has expired will be considered to have voluntarily resigned. However, pursuant to SYCAMORE PARK DISTRICT's American with Disabilities Act Policy, employees may request extended unpaid leave as a "reasonable accommodation" under the ADA. The District may recover health insurance premiums that the District paid on behalf of the employee during any unpaid FMLA leave except the District's share of such premiums may not be recovered if the employee fails to return to work because of the employee's or a family member's serious health condition or because of other circumstances beyond the employee's control. In such cases, the District may require the employee to provide medical certification of the employee's or the family member's serious health condition. The Sycamore Park District may opt, at any time, to require the employee to submit to an independent analysis of their health/disability/physical condition by a doctor of Sycamore Park District's choice, at the Sycamore Park District's expense. This does not remove the employee's responsibilities outlined in other areas of this policy to provide documentation. Refusal by the employee to submit to that within 48 hours will result in termination.

In addition to the certifications described above that the park district may require from the employee, the employee shall also be expected to maintain periodic contact with the District regarding his or her status during the leave. If on leave for one's own serious health condition, that employee must submit a certification from the doctor that work may be resumed. Further, the District reserves any and all other rights granted to it by the Family Medical Leave Act of 1993, Employees seeking family leave may receive a detailed statement concerning their rights and privileges under the Act, as well as those of the District by making a request to the Executive Director.

Adopted on:

Revised on: 8/27/13
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